

EXTRADITION

Convention signed at Washington March 28, 1887

Senate advice and consent to ratification, with amendments, February 6, 1893¹

Ratified by the President of the United States, with amendments, February 14, 1893¹

Ratified by Russia April 16, 1893

Ratifications exchanged at St. Petersburg April 21, 1893

Proclaimed by the President of the United States June 5, 1893

Entered into force for the United States June 25, 1893

Obsolete

28 Stat. 1071 ; Treaty Series 305

The United States of America and His Majesty the Emperor of all the Russias having thought proper, with a view to the better administration of justice, and for the prevention of crime in their respective territories and jurisdictions, that persons convicted of, or charged with, any of the crimes hereinafter

¹ The Senate resolution of advice and consent called for the following amendments:

1. At the end of art. I, after the word "other" insert "Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed."
2. In the first sentence of art. II, after the word "same" insert "as an accessory before the fact, provided such attempt or participation is punishable by the laws of both Countries,".
3. In art. II, numbered para. 1, after the word "manslaughter" strike out "Comprising the wilful or negligent killing of a human being" and insert "when voluntary."
4. Art. II, clause 5, strike out "The crime of forgery, by which is understood the utterance of forged papers, and also the Counterfeiting of" and insert "Forgery; and the utterance of forged papers, including".
5. Art. II, strike out all of clause 10, and insert in lieu thereof "Wilful or unlawful destruction or obstruction of railroads which endangers human life."
6. Strike out all of the second paragraph of art. III and insert in lieu thereof "An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessionship thereto, shall not be considered a political offense or an act connected with such an offense."
7. At the end of art. IX, after the word "time" insert "Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise."

The text printed here is the amended text as proclaimed by the President.

enumerated, and having escaped from justice, should, in certain cases, be reciprocally delivered up, have resolved to conclude a Convention to this end, and have named as their Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States; and His Majesty the Emperor of all the Russias, Charles Struve, His Master of the Court, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, and Baron Romain Rosen, His Gentleman in Waiting, Councillor of State, and Consul-General at New York; who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

ARTICLE I

The High Contracting Parties reciprocally agree to surrender to each other, upon mutual requisitions and according to their respective regulations and procedure, persons who, being charged with, or convicted of, the commission, in the territory of one of the contracting parties, of any of the crimes and offenses specified in the following article, shall seek an asylum or be found within the territory of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons convicted of, or charged with, any of the following crimes, as well as attempts to commit, or participation in, the same, as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries, shall be delivered up in virtue of the provisions of this Convention:

1. Murder and manslaughter, when voluntary.
2. Rape, abortion.
3. Arson.
4. Burglary, defined to be the act of breaking, and entering by night, into the dwelling-house of another, with intent to commit felony; robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; larceny, when the value of the property stolen shall exceed two hundred dollars, or three hundred roubles.
5. Forgery; and the utterance of forged papers, including public, sovereign, or governmental acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank

notes, obligations, or, in general, of any counterfeit title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.

7. The embezzlement of public moneys by public officers or depositaries.

8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the value of the property so taken shall exceed two hundred dollars, or three hundred roubles.

9. Piracy, or mutiny on shipboard, whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.

10. Wilful or unlawful destruction or obstruction of railroads which endangers human life.

ARTICLE III

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this Convention shall take effect.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessors thereto, shall not be considered a political offense or an act connected with such an offense.

ARTICLE IV

The contracting parties shall not be required to deliver up their own citizens or subjects, in virtue of the stipulations of the present Convention.

ARTICLE V

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: *Provided*, That, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

ARTICLE VI

Requisitions for the surrender of fugitives from justice, accused or convicted of any of the crimes or offenses hereinbefore mentioned, shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agent either from the country or from the seat of Government, such requisitions may be made by the superior consular officer.

When the person whose surrender is requested shall already have been

convicted of the crime or offense for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court that pronounced the sentence, bearing the seal of said court. The signature of the judge thereof shall be authenticated by the proper executive officer of the demanding Government, whose official character shall, in turn, be attested by the diplomatic agent or superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked shall be merely charged with the commission of an extraditable crime or offense, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest or of some other equivalent judicial document issued by a judge or a magistrate duly authorized to do so; and likewise by authenticated copies of the depositions or declarations made before such judge or magistrate and setting forth the acts with which the fugitive is charged.

ARTICLE VII

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State, stating that request has been made by the Imperial Government of Russia for the provisional arrest of a person convicted or accused of the commission therein of a crime or offense extraditable under this Convention, and upon complaint, duly made, that such crime or offense has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Imperial Russian Government will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure the provisional arrest of persons convicted or accused of the commission therein of crimes or offenses extraditable under this convention. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer within forty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

ARTICLE VIII

Articles in the possession of the fugitive that have aided the commission of the crime or offense, and any article or property which was obtained through the commission of the crime or offense charged, and, also, any other article that may serve to convict, shall, if the demand for extradition be

granted, be delivered to the authorities of the demanding Government, even where, owing to the death or escape of the fugitive, extradition can not take place. Such delivery shall also include articles of the character above-mentioned which the fugitive may have concealed or deposited in the country of refuge, and which may subsequently be found there. The rights of third parties to the above-mentioned articles shall, nevertheless, be duly respected, and they shall be returned to the owners free of expense after the conclusion of the case.

The right of the Government on which the demand for extradition is made to temporarily retain such articles, when they may be necessary for the institution of criminal proceedings occasioned by the same act that has given rise to the demand for extradition, or by any other act, is admitted.

ARTICLE IX

In case the person whose extradition is demanded under the present Convention is also claimed by another Government, preference shall be given to the Government whose demand shall be earliest in point of time: *Provided* the Government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE X

The expense occasioned by the arrest, detention, and transportation of persons whose extradition is requested shall be borne by the Government making the application.

ARTICLE XI

The present Convention shall be ratified and the ratifications shall be exchanged at St. Petersburg as soon as possible.

It shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws in force in the territories of the contracting parties. It shall remain in force for six months after notice of its termination shall have been given by either of the contracting parties.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have thereunto affixed the seals of their arms.

Done in duplicate, at the city of Washington, on the twenty-eighth day of March, one thousand eight hundred and eighty-seven.

T. F. BAYARD	[SEAL]
C. STRUVE	[SEAL]
ROSEN	[SEAL]